

Compliance Assessment Report CAR_NRW0038664

Licence being assessed: WA/067/0004/003.
For: Afon Alwen, held by Rhug Energy Limited.
At: Rhug Energy Limited, Corwen, Denbighshire, LL21 0EL.

Type of assessment: Site Inspection, Reason: Routine.
On 22/03/2021, between 14:30 and 15:30.
Parts of licence assessed: 8.1, 9.1, 9.5, 9.6, 9.7 and 9.8

NRW Lead Officer: Philip Barrett, accompanied by Jenny Rees-Jones.
Report sent to: Emma Story, Estate Manager, on 16/02/2023.

1. Summary of our findings (full details in section 4)

Part of licenced activity assessed (criteria)	Assessment result	Licence condition
WR-A2 - Abstraction specified by licence - Points of abstraction	Assessed (A)	
WR-A4 - Abstraction specified by licence - Purposes of abstraction	Assessed (A)	

Result types are explained in more detail in the 'Important Information' section below.

2. What action is required?

No action required.

3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution or civil sanctions being imposed depending on the circumstances of the offence.

At this time, we do not intend to take any further action.

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

4. Details of our assessment

An inspection was carried out of licence WA/067/0004/003 on the 22nd March 2021. Water was being abstracted and the HEP was generating at the time of the visit.

The setup of the structure was run through, from the flow gauge at the inlet channel, the screen, inlet gate, turbine housing (including meters), archimedean type turbine and flow gauge at the downstream outlet.

The operation of the flow gauge was discussed and how this relates to the settings to control the correct flows through the structure with the use of the inlet gate. It was found that this is controlled by the computer located in the turbine housing. There were some uncertainties on how the gauges work in relation to the inlet channel and downstream outfall to monitor the correct flows. A check of the documents associated with the abstraction licence application carried out following the visit didn't identify information relating to this.

To ensure the system is operating correctly, the flow should be gauged through the inlet channel and compared to the information provided by the computer control system. This will be carried out during a future visit to the site by NRW.

Although no gauging took place, a good flow was observed to be going through the fish pass.

The intake was screened, with a spare screen of the same measurement located on the bank next to the turbine housing. A measurement taken of the spare screen found it to be compliant with licence condition 9.8 (i) *No abstraction shall take place unless the Licence Holder has installed a trash screen with spacing no less than 100 millimetres at the point of abstraction.*

As an abstraction was taking place, it wasn't possible to see if the fish protection stated in condition 9.7 (i) was in place - *No water shall be abstracted for the purpose of power production unless the fish protection modifications have been made to the Archimedean type turbine, as detailed in drawings 'Fish Protection Modifications 1' and 'Fish Protection Modifications 2' attached hereto.*

Please ensure the fish protection covered in the modification drawing 1+2 are in place while the abstraction is taking place.

The accumulation of gravel was discussed during the visit and how this can be maintained. Any gravel removed must be reintroduced downstream. This should be carried out outside of the closed season for in river works. The gravel should be placed along the banks downstream to allow for a gradual reintroduction during the next flood events.

The abstraction returns from 2016 and 2017 were discussed. The readings of these appear to show an over abstraction on a number of months throughout this period. This is believed to be down to an error in converting the electrical output to the quantity of water abstracted. As a number of years have passed since these were submitted, it was advised that future returns are calculated correctly to provide an accurate quantity of water abstracted. NRW are currently changing the way that abstraction returns are submitted. Further details will be provided on this system in the near future.

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

Important information

Legal status of this report

Your licence is issued to you under the Water Resources Act 1991 as amended by the Water Act 2003. You have a responsibility to comply with the conditions of your licence and prevent pollution/harm to the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

Assessment results and non-compliance categories (used in section 1):

Assessment result	Description
Assessed (A)	Assessed or assessed in part, no evidence of non-compliance found
Action only (X)	Action only relating to the activity assessment
Ongoing (O)	Ongoing non-compliance, not scored

Non-compliance category	Description
C1 Major	Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property
C2 Significant	Potential to have a significant impact or effect on the environment, people and/or property
C3 Minor	Potential to have a minor or minimal impact or effect on the environment, people and/or property
C4 No environmental impact	Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property

If your assessment result in Section 1 is suspended, what does this mean?

In line with our guidance, we may suspend non-compliance for up to six months to allow time for remedial action to be taken. These will be re-instated if the action is not completed.

Full list of Water resource action criteria (used in section 1 and 2):**WR A: Abstraction specified by Licence**

- WR-A1 Source of supply
- WR-A2 Points of abstraction
- WR-A3 Means of abstraction
- WR-A4 Purposes of abstraction
- WR-A5 Period of abstraction
- WR-A6 Quantities
- WR-A7 Land
- WR-A8 Other specified on licence

WR B: Abstraction measurement and records

- WR-B1 Means of measurement
- WR-B2 Recording
- WR-B3 Reporting

WR C: Surface / Groundwater level and protected flow

- WR-C1 Minimum hands-off flow/level requirements
- WR-C2 Flow/level measurement devices
- WR-C3 Recording
- WR-C4 Reporting

WR D: Environmental monitoring and information

- WR-D1 Recording
- WR-D2 Reporting
- WR-D3 Notifications

WR E: Fish and eel passage

- WR-E1 Infrastructure specified by licence
- WR-E2 Maintenance and records

WR F: Discharge

- WR-F1 Point of discharge
- WR-F2 Infrastructure
- WR-F3 Measurement
- WR-F4 Recording
- WR-F5 Reporting

WR G: Impoundment specified by licence

- WR-G1 Inland water to be impounded
- WR-G2 Manner and extent of impoundment
- WR-G3 Point(s) of impoundment
- WR-G4 Construction and removal requirements
- WR-G5 Other specified on licence

WR H: Borehole infrastructure

- WR-H1 Infrastructure and accessibility
- WR-H2 Maintenance and calibration

Enforcement response

Any licence condition non-compliance is an offence and we may take legal action against you. Action we take can include prosecution or civil sanctions. See our Enforcement and Sanctions Guidance for further information.

Data protection notice

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

Disclosure of information – this report will be available to view on-line

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within 20 working days to let you know if we agree to your request.

What do I do if I disagree with the report or have a complaint?

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Mon to Fri 08:00 – 18:00), or email enquiries@naturalresourceswales.gov.uk for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at ask@ombudsman.wales

Welsh Language Standards

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.